

Application No. 10/661,800
Amendment Dated March 20, 2006
Reply to Office Action of December 19, 2005

REMARKS

Applicant acknowledges receipt of the Office Action dated December 19, 2005. In that action, the Examiner: (1) objected to the drawings; (2) rejected claims 1-3, 5-17, 19, 20, 29 and 32; and (3) objected to claims 4, 18, 21, 26-28, 30 and 31.

I. DRAWING OBJECTIONS

The Examiner first objected to the drawings as not showing particular features of claim 18. Applicant has therefore canceled claim 18.

The Examiner next objected to the drawings for not showing the first and second plates and the first and second pins or protrusions of claims 10-16. Applicant respectfully submits that plate 48 is shown in Figure 2B and described in paragraph [0049]. It is also stated that a second locking plate 48 may be attached to the bottom end of jaw body 40, and since this second locking plate is the same as the first or top locking plate, Applicant felt nothing further was added by showing the second locking plate. One skilled in the art will appreciate that the second or bottom locking plate looks the same as the locking plate 48 shown in Figure 2B, and attaches to jaw body 40 in the same way. With this in mind, Applicant felt it was unnecessary to show the second locking plate.

As to the first and second pins or protrusions, Applicant has canceled such features from claim 10, and has canceled claims 11, 12 and 14-16. While Applicant believes pins or protrusions for securing a plate to a surface are well known by those skilled in the art and can be inferred from the figures, Applicant believes canceling these features to be most expeditious at this time.

II. CLAIM REJECTIONS AND OBJECTIONS

Applicant cancels claims 11, 12, 14-16, 18 and 22-25, and amends various other claims as will be explained below. Applicant respectfully submits that all pending claims are allowable over the cited art for the reasons stated below.

Claims 1, 2, 5-9, 13, 14, 16, 19, 29 and 32

The Examiner rejected claims 1, 2, 5-9, 13, 14, 29 and 32 believing them to be anticipated by *Dlask et al.* (U.S. Patent No. 6,070,500). Applicant has amended claim 1 to include a "jaw body" and that the "cam member is movable relative to said insert." It is stated in the present application that the jaw body (also referred to as an "insert holder" in paragraph

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[0045]) holds the insert. The jaw body is contrasted with the wrench body 14 seen in Figure 1 which supports the bulk of the torque wrench structure. As described in *Dlask*, die holder 40 holds die insert 50 while wrench body 20 surrounds and supports the gripping apparatus, including jaw frame 30. Die insert 50 is called an insert because it includes the teeth and it is replaceable for when the teeth wear out. Jaw frame 30 is not an insert, but simply a frame for holding the insert. While it is true that the cam member 32 of *Dlask* is disposed between the wrench body 20 and the jaw frame 30, *Dlask* does not teach disposing cam member 32 between jaw frame 30 and die insert 50. Moreover, this arrangement means that cam member 32 cannot engage die insert 50. Claim 1 reads that the cam member is disposed between and engages the jaw body and the toothed insert.

Claim 1 also includes a cam member that engages the insert, and is also movable relative to the insert. *Dlask* teaches a die holder 40 that holds die insert 50 in a single position. There is no relative movement between die holder 40 and die insert 50. *Dlask* states that the opposed edges 46 of the channel 44 in which die insert 50 is held are cambered or toed inwardly to prevent movement of the die insert. *Dlask*, col. 4, ll. 19-25.

Dlask does not teach the dynamic interaction between the cam member and the toothed insert as claimed in claim 1. Therefore, Applicant respectfully submits that amended claim 1 is allowable over *Dlask*. Claims 2, 5-9 and 13 should also be allowable as they depend from now allowable claim 1.

As described above, cam member 32 of *Dlask* does not engage die insert 50. As also described above, jaw frame 30 is not an insert because the insert is intended to include teeth and be a separately replaceable piece. See *Dlask*, col. 4, ll. 26-31 ("The die holder 40 can slide in the direction of axis C for removal from the jaw frame, and the dies insert 50 may likewise be removed from the die holder."). Thus, *Dlask* does not teach a cam member having a surface that engages a surface of the insert. Claim 19 reads that the insert engages the second camming surface of the cam member. Additionally, Applicant is unclear how either the jaw body or jaw frame of *Dlask* shows a single face having an insert recess that further comprises a cam recess. For these reasons, Applicant respectfully submits that claim 19 is allowable over *Dlask*.

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Claim 29 has been amended similarly to claim 1. Therefore, for the reasons stated above with respect to claim 1, Applicant respectfully submits that claim 29 is allowable over *Dlask*. Claim 32 should also be allowable as it depends from now allowable claim 1.

Claims 1, 2, 5, 8, 9, 13, 29 and 32

The Examiner rejected claims 1, 2, 5, 8, 9, 13, 29 and 32 believing them to be anticipated by *Bufkin* (U.S. Patent No. 3,847,040). Amended claim 1 does not read on the teachings of *Bufkin* for similar reasons stated with respect to claim 1 above. More particularly, the jaw body of *Bufkin* is die holder 29 because it holds the jaw insert, i.e., die holder 29 includes a receptacle which receives a replaceable slip die 31. *Bufkin*, col. 4, ll. 45-48. Cam members, or roller bearings, 30 are disposed on the opposite side of die holder 29 from insert 31, and thus not disposed between the die holder and insert. Accordingly, cam members 30 cannot engage insert 31. In addition, insert 31 is not movable relative to die holder 29, whereas claim 1 recites that the insert is movable relative to said jaw body.

Bufkin also does not teach the dynamic interaction between the cam member and the toothed insert as claimed in claim 1. Therefore, Applicant respectfully submits that amended claim 1 is allowable over *Bufkin*. Claims 2, 5, 8, 9 and 13 should also be allowable as they depend from now allowable claim 1.

Claim 29 has been amended similarly to claim 1. Therefore, for the reasons stated above with respect to claim 1, Applicant respectfully submits that claim 29 is allowable over *Bufkin*. Claim 32 should also be allowable as it depends from now allowable claim 1.

Claims 3, 17 and 20

The Examiner rejected claims 3, 17 and 20 believing them to be unpatentable over *Dlask et al.* in view of *Bouligny* (U.S. Patent No. 5,845,549). Claims 3 and 17 depend from claim 1, and claim 20 depends from claim 19. Applicant respectfully submits that since claims 1 and 19 previously have been shown to be allowable over *Dlask*, claims 3, 17 and 20 should now be allowable over the cited art.

Claim 10

The Examiner rejected claim 10 believing it to be unpatentable over *Bufkin* in view of *Dlask*. Claim 10 depends from claim 1. Applicant respectfully submits that since claim 1

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previously has been shown to be allowable over *Bufkin* and *Dlask*, claim 10 should now be allowable over the cited art.

III. ADDITIONAL CLAIM AMENDMENTS

The Examiner objected to claims 4, 18, 21, 26-28 and 30-31 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claim 4 depends from now allowable claim 1, so it should now be allowable.

Claim 21 depends from now allowable claim 19, so it should now be allowable.

Claim 26 is an independent claim, and no detailed rejection was proffered for claim 26, thus Applicant assumes that claims 26-28 were intended by the Examiner to be allowed. Applicants appreciate the allowance of claims 26-28.

Claims 30-31 depend from now allowable claim 29, so they should now be allowable.

IV. CONCLUSION

Applicant respectfully requests reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, she is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

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If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (1814-19001).

Respectfully submitted,


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